IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

AMERICAN SURGICAL ASSISTANTS,
INC.,

Plaintiff,

V.

CIVIL ACTION NO. H-09-646

GREAT WEST HEALTHCARE OF TEXAS,
INC.,

Defendant.

ORDER

Before the Magistrate Judge upon referral from the District Judge is Plaintiff's Motion for Leave to File Pleading (Document No. 13), in which Plaintiff seeks leave to file an amended complaint adding federal claims, including claims under ERISA, to this case. Having considered the motion, Defendant's response and supplemental response, Defendant's pending motion to Dismiss, and Defendant's position that the only proper claims in this case are those under ERISA, it is

ORDERED that Plaintiff's Motion for Leave to File Pleading (Document No. 13) is GRANTED. It is further

ORDERED that Defendant shall have twenty days from the date this Order is entered to amend or supplement its Motion to Dismiss to conform to the claims alleged in Plaintiff's First Amended Complaint.

Signed at Houston, Texas, this Aday of June, 2009.

FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE